

REMARKS

The Examiner has rejected claims 9 and 15 for anticipation based upon U.S. patent publication 2005/019287 (hereafter the Galuten reference). The applicant respectfully disagrees and requests that the Examiner withdraw the anticipation rejection based upon the following point of distinction. Both claims 9 and 15 contain the following language which defines process steps which are not performed by the system described in the Galuten reference:

(8) determining if there is another tier in said value chain;

(9) if there is another tier in said value chain, selecting two participant identification codes for participants on said tier and repeating steps (1) through (7) using said RDR and said two participant identification codes selected in this step 9 as said consumer and customer identification codes as appropriate;

repeating steps (8) and (9) as many times as is necessary to process account balances between all participants on all tiers in said value chain.

These process steps define a process wherein the balances as between different pairs of participants in the value chain are adjusted. As seen from the structure of the RDR of Figure 9 of the patent application at bar, field 441 shows that other participant ID fields may be included in the RDR thereby allowing an arbitrarily large value chain to be modeled in the RDR and processed. In other words, the value chain can have as many participants as is necessary to model the particular industry for which the accounting between pairs of participants is necessary. Steps 8 and 9, quoted above from claims 9 and 15, are the process steps that do the accounting as between each pair of participants in the value chain. These steps calculate the balance between each buyer and seller in the value chain (or the balance between each pair of participants in the value chain in the case where a pair of participants do not exactly have a buy-sell relationship but do have some contract which defines the financial relationship between them). In other words, there can be an many middlemen as is necessary to model the industry involved, and the process steps 8 and 9 of claims 9 and 15 calculate the balance owing between each pair of participants in the value chain by processing them one pair at a time until all pairs are exhausted.

The Examiner pointed to Paragraphs [0047] and [0115] of the Galuten reference as anticipating these steps (8) and (9) of claims 9 and 15. These paragraphs state the following, respectively:

[0047] One aspect of Offer creation is secure packaging of the assigned Rights, sometimes performed dynamically ("on-the-fly"). Another aspect of offer creation is "synchronization" of various Business Rules associated with the content. For example, the music industry has a complex web of business relationships that requires multiple levels of "Rules"--content owner's, distributor's, and retailer's. Within the system the upstream Rules, i.e. those representing the relationship between the distributor and content owner are generally not propagated throughout the system. These "Rules" may be represented as a set of Default Business Rules constraining the content. This may include limitations on the packaging, geography, price levels, time or other constraints. Further, in some countries there may be implications for other "Rights" holders, such as the Performing Rights Societies or Mechanical Rights Societies, to have the distributor act as the collection agent for these rights with the obligation to pay immediately and directly the payments due to these societies. In the system, the rules may be layered to represent the constraints and obligations of each rights holder within differing countries or regulatory regimes. For example, first artist's rules and or any other obligatory rights holders, then distributor's (which jointly comprise the "Default Rules"), as a set of Rules which govern the content.

[0115] Handles are references to content, not to the location of the content. Content stored on a server or other device connected to the network is accessible by specifying a content reference using an application appropriate for the network. The content reference along with supplementary information is packaged in a data structure called a handle to facilitate rendition of the content. A handle may be sent to another consumer by E-mail, Chat, Instant Messaging, Cell Phone protocols or TV/Video links. When the recipient is ready to render the content referenced by the handle, the recipient accesses the handle and activates the appropriate software application such as Consumer Player. The handle contains all the information needed to download the content, and if applicable complete any commercial transactions pertaining to the use of the content. Specifically, the handle can include information identifying each participant in the value chain, i.e., any entity that participated in the creation, resolution or transmission of the content that might receive some compensation for their participation.

The underlined language only teaches that the handle can include information identifying each participant in the value chain. It does not specifically teach determining if there are more pairs, selecting two identification codes of participants in the value chain and using the RDR and the participant ID codes and repeating steps 1-7 of the process to calculate the balance as between the pair of participants just selected. Specifically, claim elements (8) and (9) state the foregoing process in the following specific way which is not anticipated by the underlined language of the Galuten reference or any other teaching therein:

(8) determining if there is another tier in said value chain;

(9) if there is another tier in said value chain, selecting two participant identification codes for participants on said tier and repeating steps (1) through (7) using said RDR and said two participant identification codes selected in this step 9 as said consumer and customer identification codes as appropriate;

repeating steps (8) and (9) as many times as is necessary to process account balances between all participants on all tiers in said value chain

Steps 1 - 7 of the process include the following steps which are not specifically taught in the Galuten reference

(1) identifying a buyer participant in a transaction that crosses business boundaries using the consumer identification code in an RDR data structure;

(2) identifying a seller participant in said transaction using a customer identification code in said RDR data structure recording data of said transaction;

(3) identifying a product type involved in said transaction;

(4) identifying a product instance involved in said transaction;

(5) identifying a price plan which records data defining the terms which govern calculation of charges for units of said product type consumed in said transaction;

(6) calculating a payment amount using a price per unit from said price plan and a number of units consumed from said RDR recording data pertaining to said transaction;

(7) finding a balance object which records the monetary balance as between said buyer participant and said seller participant in said transaction, and adding or subtracting the calculated payment amount to a balance recorded in said balance object, as appropriate;

Because all the dependent claims depending from claims 9 and 15 also do not include these limitations, they also are not anticipated by the Galuten reference.

Further, it is not clear that the teachings of the "handle" data structure in the 2005 patent publication US 2005/0192871 are prior art since that publication was of a patent application filed on February 15, 2005 which is not prior art to the application at bar which was filed on 7/10/2003. The 2005 patent appears to be a continuation in part of a patent application filed 12/23/99 which matured into US patent 7,209,892 and was also a CIP of two other patent applications filed in 2000 (1/8/00 and 6/12/00 filing dates) both of which were abandoned. The term "handle" designating the data structure of Figure 11 of US 2005/0192871 does not even appear in the 1999 patent US patent 7,209,892. There is no "handle" data structure like the

RDR of the system of the invention in the 1999 patent. At this time, applicant does not know the content of the 2000 patent applications so no admission is made herein that the "handle" data structure of Figure 11 of US 2005/0192871 is even prior art to the patent application at bar.

An anticipation rejection requires that every limitation of the rejected claim be found in the allegedly anticipatory reference. Here that simply is not the case, EVEN IF THE "HANDLE" TEACHING FROM THE 2005 PATENT PUBLICATION US 2005/0192871 IS ACTUALLY IN THE ABANDONED PARENT CASES FILED IN 2000. The undersigned hereby respectfully requests that the anticipation rejection should be withdrawn.

Respectfully submitted,

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